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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/553,494	10/14/2005	Jean-Jacques Aureglia	FR920030011US1	1532
30449 7590 09/11/2008 SCHMEISER, OLSEN & WATTS 22 CENTURY HILL DRIVE SUITE 302 LATHAM, NY 12110				
EXAMINER RUTLEDGE, AMELIA L.				
ART UNIT		PAPER NUMBER		
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Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary

Application No.

10/553,494

Applicant(s)

AUREGLIA ET AL.

Examiner

AMELIA RUTLEDGE

Art Unit

2176

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☐ Responsive to communication(s) filed on 14 October 2005.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 25-54 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 25-54 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 14 October 2005 is/are: a) ☐ accepted or b) ☒ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☒ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☒ Information Disclosure Statement(s) (PTO-8508)
- Paper No(s)/Mail Date 10/14/05
- 4) ☐ Interview Summary (PTO-413)
- Paper No(s)/Mail Date _____
- 5) ☐ Notice of Informal Patent Application
- 6) ☐ Other: _____

DETAILED ACTION

1. This action is responsive to: original application, filed 10/14/2005; Information Disclosure Statement, filed 10/14/2005.
2. Claims 25-54 are pending. Claims 25, 35, and 45 are independent claims.

Drawings

New corrected drawings in compliance with 37 CFR 1.121(d) are required in this application because Figures 2-6 are blurry and unreadable. Figures 13A, 18A and 18B are illegible.

Figure 17F appears to be blank for elements 2270-2275, which are referenced in the Specification at p. 19-20, therefore a replacement drawing may be required.

Applicant is advised to employ the services of a competent patent draftsman outside the Office, as the U.S. Patent and Trademark Office no longer prepares new drawings. The corrected drawings are required in reply to the Office action to avoid abandonment of the application. The requirement for corrected drawings will not be held in abeyance.

Claim Objections

Claim 25 is objected to because of the following informalities: claim 25 at line 13 has a misspelling of the word "instancing". Similar misspellings are in claims 35 and 45. Appropriate correction is required.

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claims 25, 30-35, 40-45, and 50-54 are rejected under 35 U.S.C. 103(a) as being unpatentable over Guttman et al. ("Guttman"), U.S. Patent No. 6,988,241 B1, issued January 2006, in view of Barger et al. ("Barger"), U.S. Patent No. 7,246,311 B2, issued July 2007, provisional application No. 60/488,169 filed July 2003.

Regarding independent claim 25, Guttman discloses *a method for creating a recursive scalable template instance (RSTI) in a multi-dimensional electronic data table having a first data table dimension (D1) and a second data table dimension (D2),* because Guttman discloses a multi-dimensional data table having a first dimension D1, and a second data table dimension D2, i.e., Guttman discloses an electronic HTML spreadsheet having rows and columns (Fig. 7a; col. 1, l. 53-col. 2, l. 24; col. 3, l. 36-58).

While Guttman does not explicitly teach that the HTML spreadsheet is *implemented by execution of a computer program by a processor of a computer system, said method comprising: selecting a recursive scalable template (RST) associated with the RSTI such that the RSTI is to be structured in accordance with the RST;* Barger et al. discloses a method for facilitating adaptive grid based document layout using a set of adaptive templates (Abstract; Fig. 3; Fig. 4; col. 2, l. 50-col. 3, l. 15). Barger et al. teaches

that each template may comprise layout elements, constraint-based relationships to define the relationships between elements, and preconditions which determine if the template is to be applied to document content (col. 10, l. 47-col. 11, l. 30). Bargerón teaches that content items include text, images, audio, video, and other content types and describes the method of applying templates to content (col. 13, l. 36-col. 15, l. 36).

Guttman suggests but does not explicitly teach *creating, in a memory of the computer system, a plurality of contiguous recursive element instances (REIs) of the RSTI, said REIs ordered and aligned along the dimension D1, at least two REIs having a different size along the dimension D1, each REI having a same size along the dimension D2*, because Guttman teaches an electronic spreadsheet which may have cells aligned differently sized rows and columns (col. 23, l. 10-24), but does not explicitly teach linking the cell instances to recursive scalable template instances. Bargerón teaches linking document content elements to recursive scalable template instances, since Bargerón teaches that each template may comprise layout elements, constraint-based relationships to define the relationships between elements, and preconditions which determine if the template is to be applied to document content (col. 10, l. 47-col. 11, l. 30). Bargerón teaches that content items include text, images, audio, video, and other content types and describes the method of applying templates to content (col. 13, l. 36-col. 15, l. 36).

While Guttman does not explicitly disclose *each REI comprising at least one scalable template instance (STI), said creating comprising structuring each REI according to a recursive element (RE) defined for the RST such that the RE includes at*

least one scalable template (ST), said creating comprising instantiating each ST of the RE to generate an associated scalable template instance (STI) of an REI of the plurality of REIs; Bargerón teaches applying templates to the content stream of a document, so that all content elements are defined and associated with a scalable template, since Bargerón teaches that each template may comprise layout elements, constraint-based relationships to define the relationships between elements, and preconditions which determine if the template is to be applied to document content (col. 10, l. 47-col. 11, l. 30). Bargerón teaches that content items include text, images, audio, video, and other content types and describes the method of applying templates to content (col. 13, l. 36-col. 15, l. 36).

Guttman teaches aligning a first dimension and a second dimension of each STI of each REI along the dimension D1 and along the dimension D2, respectively, because Guttman teaches aligning cells in rows and columns, i.e., the dimension D1 and D2 (Fig. 7a, col. 1, l. 53-col. 2, l. 24; col. 3, l. 36-58).

It would have been obvious to one of ordinary skill in the art at the time of the invention to apply the method for facilitating adaptive grid based document layout using a set of adaptive templates disclosed by Bargerón, to the HTML spreadsheet disclosed by Guttman, since Bargerón recognized that there was a need in the art for a system and method of adaptive grid based document layout that automatically adapts grid based designs to arbitrarily sized electronic displays (col. 2, l. 36-39), and Guttman disclosed such a grid based layout, which when modified by Bargerón would have

provided the benefit of easier viewing of the spreadsheet on differently sized displays and web browsers.

Regarding dependent claim 30, Guttman teaches *wherein the method comprises: determining whether the RSTI being created would corrupt an existing RSTI in the data table*, because Guttman teaches that the spreadsheet detects and reports errors (col. 21, l. 45-55; col. 32, l. 8-48).

Regarding dependent claim 31, Guttman teaches *wherein the multidimensional electronic data table is an electronic spreadsheet having a plurality of dimensions and comprising a plurality of cells identified by a cell address along each dimension of the plurality of dimensions, and wherein the plurality of dimensions comprises the dimension D1 and the dimension D2*, since Guttman discloses a web based spreadsheet with rows and columns (Fig. 7D).

Regarding dependent claim 32, Guttman suggests *wherein each STI associated with an ST of the RE of the RST comprises contiguous elements of a same size ordered and aligned along the dimension D1 or D2*,

wherein each ST is defined as a range of cells, wherein the method comprises: specifying for each ST of the RE, an element format (EF) and/or an element profile (EP), said EF defining for each cell within each element of each ST at least one format attribute, said EP defining a cell content for each cell within each element of each ST; and structuring each element of the contiguous elements of each STI according to the EF and/or EP specified in each associated ST of the RE, because Guttman teaches specifying an element format and profile for each cell, i.e., a list of the cell attributes

and content, and teaches that the format can be applied to contiguous cells, i.e., cell ranges (col. 21, l. 36-43; col. 25, l. 23-col. 26, l. 11).

While Guttman does not explicitly teach scalable templates, Bargerón discloses a method for facilitating adaptive grid based document layout using a set of adaptive templates (Abstract; Fig. 3; Fig. 4; col. 2, l. 50-col. 3, l. 15). Bargerón teaches that each template may comprise layout elements, constraint-based relationships to define the relationships between elements, and preconditions which determine if the template is to be applied to document content (col. 10, l. 47-col. 11, l. 30). Bargerón teaches that content items include text, images, audio, video, and other content types and describes the method of applying templates to content (col. 13, l. 36-col. 15, l. 36).

It would have been obvious to one of ordinary skill in the art at the time of the invention to apply the method for facilitating adaptive grid based document layout using a set of adaptive templates disclosed by Bargerón, to the HTML spreadsheet disclosed by Guttman, since Bargerón recognized that there was a need in the art for a system and method of adaptive grid based document layout that automatically adapts grid based designs to arbitrarily sized electronic displays (col. 2, l. 36-39), and Guttman disclosed such a grid based layout, which when modified by Bargerón would have provided the benefit of easier viewing of the spreadsheet on differently sized displays and web browsers.

Regarding dependent claim 33, Guttman teaches *an element profile defining a cell destination for each cell within each element of the first ST, said cell destination specifying whether the cell is an input cell for receiving an entry or an output cell for*

producing a result, because Guttman teaches determining whether a particular cell is editable, and if it is editable, placing an input box around that cell, or if the cell is non-editable, i.e., an output cell, the cell is locked (col. 9, l. 19-29).

Regarding dependent claim 34, Guttman teaches *wherein the at least one format attribute is selected from the group consisting of at least one background attribute, at least one alignment attribute, at least one font attribute, at least one line attribute, at least one protection attribute, and combinations thereof*, because Guttman teaches selectable formatting elements, including font, border, and background color (col. 25, l. 23-col. 26, l. 11). Guttman teaches protection attributes (col. 5, l. 55-col. 6, l. 21). Guttman teaches alignment, as disclosed in the alignment buttons of Fig. 10B (also see col. 6, l. 15-21).

Regarding independent claim 35 and dependent claims 40-44, claims 35 and 40-44 are directed to the computer system for implementing the methods claimed in claims 25 and 30-34, and are rejected along the same rationale.

Regarding independent claim 45 and dependent claims 50-54, claims 45 and 50-54 are directed to the computer program for implementing the methods claimed in claims 25 and 30-34, and are rejected along the same rationale.

3. **Claims 26-29, 36-39, and 46-49 are rejected under 35 U.S.C. 103(a) as being unpatentable over Guttman in view of Bargeron, and further in view of Moss et al. ("Moss"), U.S. Patent No. 5,613,131, issued March 1997.**

Regarding dependent claim 26, while Guttman in view of Bargerion does not disclose *wherein the RST comprises a header part and/or a footer part, the header part and/or the footer part of the RST comprising at least one recursive meta-elements (RME), wherein each RME comprises at least one ST, and wherein the method comprises: generating a header part and/or a footer part of the RSTI,*

wherein the header part and/or the footer part of the RSTI corresponds to the header part and/or the footer part of the RST, wherein the header part and/or the footer part of the RSTI comprises at least one REI of the plurality of REIs of the RSTI; because Guttman discloses a spreadsheet having headers and footers, but does not disclose generating the header and footer as a recursive scalable template instance. Moss teaches a method of assigning different levels to row headers to apply different formatting, as well as examining the dependencies of a table to determine constituent table parts (col. 1, l. 23-col. 2, l. 42; Fig. 3B).

It would have been obvious to one of ordinary skill in the art at the time of the invention to apply the method of formatting constituent parts of a spreadsheet disclosed by Moss to Guttman in view of Bargerion, since Bargerion disclosed applying templates to all elements of a content stream to produce an adaptive grid based layout, and Gutmann disclosed applying formatting options to a spreadsheet, it would have been obvious to combine with the automatic spreadsheet formatting disclosed by Moss, since all three inventions disclosed known prior art elements (the spreadsheet of Guttman, the templates of Bargerion, and the automatic formatting of Moss) that could have been combined by one skilled in the art to achieve predictable results.

Regarding dependent claim 27, while Guttman in view of Bargerón does not explicitly disclose *wherein the method comprises: structuring a first REI of the plurality of REIs according to a first RME of the at least one RME of the header part and/or the footer part of the RST*; Moss teaches a method of assigning different levels to row headers to apply different formatting to the cells within, as well as examining the dependencies of a table to determine constituent table parts (col. 1, l. 23-col. 2, l. 42; Fig. 3B).

It would have been obvious to one of ordinary skill in the art at the time of the invention to apply the method of formatting constituent parts of a spreadsheet disclosed by Moss to Guttman in view of Bargerón, since Bargerón disclosed applying templates to all elements of a content stream to produce an adaptive grid based layout, and Gutmann disclosed applying formatting options to a spreadsheet, it would have been obvious to combine with the automatic spreadsheet formatting disclosed by Moss, since all three inventions disclosed known prior art elements (the spreadsheet of Guttman, the templates of Bargerón, and the automatic formatting of Moss) that could have been combined by one skilled in the art to achieve predictable results.

Regarding dependent claim 28, Guttman discloses *wherein the method comprises: adjusting a size of the first REI along the dimension D1 according to a size of a largest STI in the first REI*, because Guttman discloses a user interface element which allows the user to "autofit" rows and columns, which would adjust the row or column to the size of the largest cell (Fig. 12c; col. 22, l. 36-38).

Regarding dependent claim 29, Guttman in view of Bargerón discloses *wherein the total number of scalable templates in the at least one recursive meta-elements is equal to the total number of scalable templates in the recursive element*; because Bargerón teaches applying different versions of templates to different content items and content streams (Fig. 6), and Bargerón further discloses scoring each attribute of an element for matching to a template, which would result in an equal number of templates, and discloses template inheritance to manage a large number of templates and to maintain consistency between the templates (col. 6, l. 25-col. 7, l. 38).

It would have been obvious to one of ordinary skill in the art at the time of the invention to apply the method of formatting constituent parts of a spreadsheet disclosed by Moss to Guttman in view of Bargerón, since Bargerón disclosed applying templates to all elements of a content stream to produce an adaptive grid based layout, and Gutmann disclosed applying formatting options to a spreadsheet, it would have been obvious to combine with the automatic spreadsheet formatting disclosed by Moss, since all three inventions disclosed known prior art elements (the spreadsheet of Guttman, the templates of Bargerón, and the automatic formatting of Moss) that could have been combined by one skilled in the art to achieve predictable results.

Regarding dependent claims 36-39, claims 36-39 are directed to the computer system for implementing the methods claimed in claims 26-29, and are rejected along the same rationale.

Regarding dependent claims 46-49, claims 46-49 are directed to the computer program for implementing the methods claimed in claims 26-29, and are rejected along the same rationale.

Conclusion

The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

Lecolinet, "A molecular architecture for creating advanced GUIs", Proceedings, UIST 2003, published 2003 by ACM, p. 135-144.

Rothermel, et al., "A Methodology for Testing Spreadsheets", ACM Transactions on Software Engineering and Methodology, Vol. 10, No. 1, January 2001, p. 110-147.

Smialek U.S. Patent No. 7,089,256 B2 issued August 2006

Mogilevsky et al. U.S. Patent No. 7,051,276 B1 issued May 2006

Any inquiry concerning this communication or earlier communications from the examiner should be directed to AMELIA RUTLEDGE whose telephone number is (571)272-7508. The examiner can normally be reached on Monday - Friday 9:30 - 6:00.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Doug Hutton can be reached on 571-272-4137. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/Amelia Rutledge/
Examiner, Art Unit 2176